

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CV-81-D

LORENZO RICHARDSON,)
)
)
Plaintiff,)
)
)
v.) **ORDER**
)
)
STATE OF NORTH CAROLINA,)
)
)
Defendant.)

On April 26, 2011, Magistrate Judge Daniel issued a Memorandum and Recommendation (“M&R”) [D.E. 7]. In that M&R, Judge Daniel recommended that plaintiff’s application to proceed in forma pauperis be allowed and that plaintiff’s complaint be dismissed as frivolous. On May 5, 2011, plaintiff filed objections [D.E. 8] to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis removed) (quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R and the record. As for those portions of the M&R to which plaintiff did not object, the court is satisfied that there is no clear error on the face of the record. As for the objections, the court has reviewed the objections and the M&R de novo,

plaintiff's objections are overruled. Plaintiff's application to proceed in forma pauperis is GRANTED, and plaintiff's complaint is DISMISSED as frivolous. The clerk is directed to close the case.

SO ORDERED. This 5 day of July 2011.



JAMES C. DEVER III
United States District Judge